

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/679924

MARK: HARDTOP

CORRESPONDENT ADDRESS:

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RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Mortex Manufacturing Co.,
Inc.

**CORRESPONDENT'S
REFERENCE/DOCKET NO:**

828-T-2

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

This Office action is in response to applicant's communication filed on 3/16/09.

The applicant filed an amended identification of goods. However, the amended identification is unacceptable because it is too broad. The wording including is unacceptable in the identifications. Also, use of other chemicals is too broad because chemicals are in several classes. The FINAL requirement is maintained and continued. Applicant should easily take advantage of the Identification Manual (ID) manual readily available online.

IDENTIFICATION OF GOODS

The identification of goods is indefinite and must be clarified. *See* TMEP §1402.01. Applicant must specify the common commercial or generic name for the goods. If there is no common commercial or generic name, applicant must describe the product and intended consumer as well as its main purpose and intended uses.

Applicant may adopt the following identification, if accurate:

“Granular *chemical* compositions *namely* Portland cement chemicals and other chemicals, namely, [*specify* common commercial name for other chemicals, e.g., chemical agents, chemical compounds, etc] for application to the surface of uncured concrete to increase the impact resistance and wear resistance of the surface of the concrete when cured” in **International Class 1**.

Identifications of goods and/or services can be amended only to clarify or limit the goods and/or services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

ID Manual is Available Online

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netathtml/tidm.html>. *See* TMEP §1402.04.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney.

/Zachary R. Bello/
Trademark Attorney Advisor
Law Office 111
USPTO
571-272-9376

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the

complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.